

IN THE MATTER OF AN ORDER TO
SHOW CAUSE ISSUED TO CO-OP
MINING COMPANY

ORDER

CAUSE NO. ACT/015/025

Pursuant to Notice of Hearing dated October 7, 1982 by the Board of Oil, Gas and Mining, Department of Natural Resources and Energy, this Cause came on for hearing before the Board on October 28, 1982 in Room 303 of the State Capitol Building, Salt Lake City, Utah.

The following Board Members were present:

Edward T. Beck

John L. Bell

Robert R. Norman

E. Steele McIntyre

Herm Olsen, Presiding

Appearances for the Division were made by:

Cleon Feight

Ron Daniels

Carolyn Driscoll

Joseph Helfrich

Everett Hooper

Jim Smith

Appearances for the operator were made by:

Wendell Owen

Carl Kingston, Esq.

NOW, THEREFORE, the Board having considered the testimony adduced and the exhibits reviewed in said hearing and being fully advised in the premises, now makes and enters the following:

FINDINGS OF FACT

1. Due and regular notice of the time, place and purpose of the hearing was given to all interested parties in the form and manner and within the time required by law in the rules and regulations of the Board.

2. The Board has jurisdiction over the matter covered by said Notice and over all parties interested therein and has the jurisdiction to make and promulgate the Order hereinafter set forth.

3. Adequate testimony and documentary evidence was submitted to establish violations in the following areas:

- (b) the road from the portal to the uppermost storage pad;
- (c) the uppermost storage pad;
- (d) the noncoal waste and equipment along the main haul road and the access road.

4. Inadequate testimony and documentary evidence was submitted to establish violations in the following areas:

- (a) the extension road which intersects the Huntington Canyon Highway;
- (e) the spring in the Bear Creek Canyon area.

CONCLUSIONS OF LAW

1. The operator did operate on areas (b), (c) and (d) without an approved plan.
2. The Order to Show Cause was properly issued for non-permitted mining activity in the aforescribed areas.

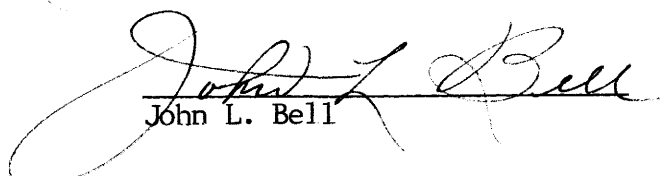
ORDER

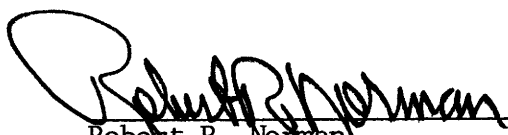
1. Appropriate penalties should be assessed for the operator's unpermitted mining activities in the aforementioned areas.
2. The operator shall have until November 29, 1982 to document its compliance with the terms and conditions stated in the letter dated October 25, 1982 from the Division of Oil, Gas and Mining.
3. Enforcement and inspection activities shall occur on a continuing basis.
4. The three areas properly identified as unpermitted mining activities shall not be subject to enforcement and inspection jeopardy prior to November 29, 1982.

DATED this 28th day of October, 1982.


STATE OF UTAH
BOARD OF OIL, GAS AND MINING


Edward T. Beck


John L. Bell


Robert R. Norman


E. Steele McIntyre


Herm Olsen